IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
Writ Petition No. 1360/2006

Abdul Hafeez Abdul Rauf and another
..vs..
The State of Maharashtra and four others

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

---

CORAM: A. P. LAVANDE & R. V. MORE, JJ.
DATED : 29th August, 2007

Heard Mr. M. K. Pathan, Advocate for the petitioners, Ms. K. S. Joshi, A.G.P. for respondent No. 1 and Mr. N. R. Borkar, Advocate for respondent Nos. 2 and 3. The respondent Nos. 4 and 5, though served, are absent.

By this petition, the petitioners, who are serving in respondent No. 2-Municipal Council School challenge the appointment of respondent Nos. 4 and 5, who have been appointed as Lab Assistants in Higher Secondary School run by Municipal Council, Daryapur.

Respondent Nos. 2 and 3 have relied upon communication dated 20.03.2003, issued by Deputy Director, Amravati Division Amravati to respondent No. 3, in which it has been stated that in terms of Government decision dated

29.07.1999, teaching and non teaching staff serving in the Secondary School are not entitled to be promoted to the Higher Secondary School.

Mr. Pathan, Advocate for the petitioners states that the Secondary School Code does not differentiate between Secondary School or Higher Secondary School. However, it is to be noted that the petitioner has not challenged Government Decision dated 27.07.1999 by which the teaching and non teaching staff serving in the Schools are made ineligible to be promoted to Higher Secondary Schools.

In view of the above position, we find that the petition has no merit. The same is, therefore, dismissed with no order as to costs.

JUDGE **JUDGE**

kahale